

act authorizing the formation of corporations. With no purpose of intruding my views on a subject on which you have the exclusive right of action, I venture to suggest, as a means of expediting the public business and of economizing your valuable time, that the general act authorizing the formation of corporations be amended, if necessary, so that it may fully provide for the necessities of such organizations without too heavily taxing the time of the General Assembly.

ROWAN COUNTY.

As the reputation of a community is often popularly judged by the conduct of its worst elements, so likewise is the law-abiding character of the people of Kentucky estimated by others, in a great measure, not from the general disposition of its citizens to obey the laws, but from the violent conduct of comparatively a few lawless individuals. If, from neglect or inefficiency, we fail to repress this lawlessness, or to bring the offenders to justice, we have no right to complain of the false estimation in which we are held by the people of other States.

Unfortunately, numerous acts of violence and defiance of law in several of our counties, have given color to the belief which extensively prevails, that we are not a law-abiding people. Recent events in the county of Rowan have notably served to encourage this erroneous opinion, and have tended to retard the material development of the State by lessening the confidence of capital in the protection of the laws.

For the condition of affairs in Rowan county you are referred to the accompanying reports of the Adjutant General, and of the commander of the troops sent last August to Morehead, by my predecessor, on the demand of the Circuit Judge, for the protection of the court. The situation may be summarized by stating that a difficulty has existed between factions in that county since 1884. Though composed of only a small portion of the community, these factions have succeeded by their violence in overawing and silencing the voice of the peaceful element, and in intimidating the officers of the law. Having their origin partially in party rancor, they have ceased to have any political significance, and have become contests of personal ambition and revenge; each party seek-

ing apparently to possess itself of the machinery of justice, in order that it may, under the forms of law, seek the gratification of personal animosities. During the present year the local leader of one of these factions came in possession of the office of Police Judge of the town of Morehead. Under color of the authority of that office, and sustained by an armed band of adherents, he exercised despotic sway over the town and its vicinage. He banished citizens who were obnoxious to him ; and, in one instance, after arresting two citizens who seem to have been guilty of no offense, he and his party, attended by a deputy sheriff of the county, murdered them in cold blood. This act of atrocity fully aroused the community. A posse, acting under the authority of a warrant from the county judge, attacked the police judge and his adherents on the 22d of June last, killed several of their number, and put the rest to flight, and temporarily restored something like tranquillity to the community. For the details of this transaction you are referred to the accompanying report of the commander of the State troops at Morehead. The proceedings of the circuit court, which was held in August, were not calculated, according to that report, to inspire the citizens with confidence in securing justice. The recital of the unusual incidents which transpired in the court-room will excite your surprise and command your earnest consideration. The report of the Adjutant General on this subject also shows, from information derived "from representative men without reference to party affiliations," that the judge of the circuit court seems so far under the influence of the reputed leader of one of the factions as to permit such an organization of the grand juries as will effectually prevent the indictment of members of that faction for the most flagrant crimes. It is not in the power of the Executive to determine the truth or falsity of these views. The ample authority which resides in the General Assembly to investigate abuses will enable you, through your appropriate committees, to elicit all the facts connected with the violations of law in this disturbed district.

I earnestly recommend a thorough investigation of the whole subject, with the view of taking such action as in your judgment will be best adapted to enforce the laws and to maintain

the dignity and impartiality of the judiciary. In expectation of your action, I have declined to exercise Executive clemency in regard to any of the applications from Rowan county, as I desire to act in harmony with the views of the General Assembly after they shall have fully examined the subject. For a like reason, any special recommendations for a solution of the questions involved in these difficulties, might be considered at this time premature.

ENFORCEMENT OF LAW.

It is the duty of the Executive to "take care that the laws be faithfully executed." This duty can be discharged only through the officers provided for in the Constitution and by the laws. If they fail to discharge their duties, the Executive is powerless to remedy the evil. The lawlessness which pervades a few counties of the Commonwealth may be traced, chiefly, it is believed, to immunity from punishment, occasioned by a disregard of duty on the part of officers who are required to judge, prosecute and punish crime. It sometimes happens that judicial officers fail to issue writs of arrest against persons charged with crime; more frequently the officers whose duty it is to effect the arrest, do not employ due diligence in pursuit of criminals; and applications are constantly made to the Executive department for the offer of large rewards as an incentive to the proper discharge of duties which these officers have already sworn to perform.

The remedy for this lax condition of public morality in officials rests with the General Assembly. Not only can they prescribe the duties of officers, but they can affix to their neglect such severe penalties as will force an observance of duty, and can provide for a more effectual prosecution of delinquent officers, with a view of judicially ejecting from office such as have been faithless to the trusts confided to them by the people.

DEPARTMENT OF JUSTICE.

To accomplish the necessary object of more effectually enforcing the observance of law and bringing offenders to justice, it is earnestly recommended that the office of Attorney General be converted into the Department of Justice, under the direc-

On Fish Culture—W. F. Neat, Chairman; Messrs. J. H. Lunsford, E. L. Worthington, Louis Jones, John McCann.

Ordered, That the Public Printer be directed to print two hundred copies of the list of said committees for the use of the Senate and House of Representatives.

Mr. Hendrick read and laid on the table the following joint resolution, viz:

WHEREAS, It has been made known to the General Assembly, through the message of the Governor and the report of the Adjutant General and Captain Macpherson, that there are reasonable grounds to believe that the Judge of the Fourteenth Judicial District has been guilty of corruption in office, by subverting the ends of justice in criminal prosecutions in the Rowan Circuit Court; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of eight members of the General Assembly—three from the Senate and five from the House of Representatives—be appointed by the respective Speakers, to fully investigate said charges, by going to the said county of Rowan and taking the evidence, in writing, of such witnesses as the committee may deem expedient, which evidence, together with a full and thorough report, shall be submitted to the General Assembly at the earliest practicable date. And said committee is hereby given full power and authority to summon witnesses and compel their attendance for the purpose of giving their testimony before said committee, and to cause the production of such papers and copies of documentary evidence as may be necessary for a full and complete investigation of said charges.

Which, under the rule, lies over one day.

Mr. Triplett then moved to dispense with the rule of the Senate requiring joint resolutions to lie over one day.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Darby,

Ordered, That the further consideration of said resolution be postponed, and made the special order of the day for Wednesday, January 4, 1838, at 11 o'clock A. M.

By unanimous consent, Mr. Dickerson reported a bill, entitled

A bill to fix the time of holding the court of claims in Bracken county.

On motion of same—

3. A bill to amend the charter of the Bourbon Bank, of Paris.

On motion of Mr. Kemp—

4. A bill to amend the charter of the Columbus and Tennessee River Railway Company.

On motion of Mr. Pieratt—

5. A bill for the benefit of S. S. Dennis, ex-sheriff of Morgan county.

On motion of Mr. Hays—

6. A bill for the benefit of J. Edward Gailbreath.

On motion of Mr. Dickerson—

7. A bill, entitled "An act to amend subsection 1 of section 606, Civil Code of Practice."

On motion of Mr. McCann—

8. A bill to prevent the sale of spurious vinegar in this Commonwealth.

Ordered, That the Committee on Internal Improvement prepare and bring in the 1st; the Committee on Banks and Insurance the 2d and 3d; the Committee on Railroads the 4th; the Committee on Claims the 5th; the Committee on Appropriations the 6th; the Committee on Codes of Practice the 7th; and the Committee on Courts of Justice the 8th.

The Senate, according to order, took up for consideration the joint resolution proposed on yesterday by Mr. Hendrick, entitled

Resolution to provide for an investigation of certain charges against the Circuit Judge of the Fourteenth Judicial District.

Said resolution reads as follows, viz :

WHEREAS, It has been made known to the General Assembly, through the message of the Governor and the report of the Adjutant General and Captain Macpherson, that there are reasonable grounds to believe that the Judge of the Fourteenth Judicial District has been guilty of corruption in office, by subverting the ends of justice in criminal prosecutions in the Rowan Circuit Court; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of eight members of the General Assembly—three from the Senate and five from the House of Representatives—be appointed by the respective Speakers, to fully investigate said charges, by going to the said county of

present law. This should be done in justice to the clerks and litigants.

Which was twice read and adopted.

Mr. Gilbert, from the Committee on the Judiciary, who, under a resolution heretofore adopted by the Senate, was directed to report as to whether the present General Assembly could, under the provisions of the Constitution, repeal the act "creating and organizing Rowan county," submitted the following report, viz :

To the Honorable, the Gentlemen of the Senate :

Your Committee on the Judiciary, to whom was referred a resolution, "Whether the present General Assembly can, under the provisions of the Constitution, repeal the act creating and organizing the county of Rowan," beg leave to report that we have had said resolution under consideration, and are unanimously of opinion that there exists no constitutional inhibition against the exercise of such a power upon the part of the Legislature, if they deem its exercise expedient.

The ablest text writers and the highest courts of the country are alike agreed that a county is but the agent of the State in the performance of certain public functions, and the existence of which is subject to the will of the law-making power.

Judge Cooley, in his *Constitutional Limitations* says, in speaking of counties and their right of an existence independent of the State: "Usually their functions are wholly of a public nature, and there is no reason to imply any contract between them and the State in their organization as corporate bodies, except that which requires that the property they shall acquire by local taxation or otherwise, for the purposes of their organization, shall not be seized by the State and appropriated in other ways." (Fifth edition, page 296.)

So in *Field on Corporations*, page 42, it is said: "And it may be affirmed as a principle based upon the soundest public policy, that where public or municipal corporations are created, the special powers conferred upon them for local government are not vested rights as against the State, but may be changed at pleasure by the Legislature."

This doctrine may also be found in 2 Dillon on Corporations, section 37, page 149: "The power of the Legislature to alter and abolish municipal corporations in the place of the old; to add to the old, or to carve out of the old a new corporation; or the power to divide and dispose of the property held by such corporations for municipal purposes, is not defeated or affected by the circumstance that the corporation is by its charter made a trustee of a charity, or of other private rights and interests." (See also *Layton v. New Orleans*, 12 La., 515; *Philadelphia v. Fox*, 64 P. St., 169.)

This power in the Legislature to control all local governments by towns and counties is announced by the Supreme Court of the United States in the case of *State Bank v. Knoop*, 16 Howard, 369, where it is said: "Otherwise, there would be numerous petty governments existing within the State, and forming parts of it, but independent of the control of sovereign power."

The tenth amendment to the Constitution of the United States provides, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

And in construing the validity of an act of the Congress of the United States the rule is, that an authority for the act must be found in the Constitution itself, otherwise, it falls within the provision of the amendment, *supra*.

But when we are asked to ascertain if a proposed act of a State Legislature be constitutional, the inquiry becomes very different, and to render such legislation nugatory, it must be shown to be prohibited by some provision of the State Constitution. (*Griswold v. Hepburn*, 2 Duvall, 24.)

That no authority exists in the National Legislature to legislate upon the question under consideration seems unquestioned, and that being so, the authority exists either in the State Legislature or is prohibited by the Constitution of the State. There is no provision of our State Constitution directly bearing upon the subject; much less is there any express prohibition against such legislation, and a county having, as we have seen no vested

right to be, its continued existence is a question of public utility or of State policy, and not of constitutional authority.

Respectfully,

G. G. GILBERT,

Chairman.

J. K. HENDRICK,

M. C. ALFORD,

D. W. WRIGHT,

G. TERRY.

On motion of Mr. McKee,

Ordered, That said report be referred to the special committee provided for by the joint resolution adopted by the two Houses to investigate certain charges against the Judge of the Fourteenth Judicial District.

Mr. Peterman moved to reconsider the vote by which the Senate had concurred in the adoption of a resolution, which originated in the House of Representatives, entitled

Resolution directing the Superintendent of Public Instruction and Auditor to draw their warrants in favor of all schools taught in full and properly reported.

And the question being taken thereon, it was decided in the affirmative.

Mr. Peterman proposed an amendment to said resolution.

Which was adopted.

The question was then taken on concurring in the adoption of said resolution as amended, and it was decided in the affirmative.

A message, was received from the Governor by Mr. W. R. Griffith, Private Secretary, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz :

An act to authorize the Shelby County Court of Claims to levy an ad valorem tax for county purposes.

An act for the benefit of the Wolfe County Court.

An act to allow the Court of Claims of Livingston county to levy an ad valorem tax to pay off its indebtedness.

An act to change the boundary line between the counties of Pike and Floyd.

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was rejected.

Mr. A. S. Berry moved the following resolution, viz :

Resolved, That the Auditor of State report to this body what portion of the \$18,638.38 reported by him in his response of January 30, 1888, paid to attorneys other than the Attorney General, was paid for services rendered in the Court of Appeals, giving the names of the parties to the appeals in which such services were rendered, and the amounts paid each of said attorneys.

By unanimous consent, the rules were suspended, and said resolution was taken up, twice read, and adopted.

Mr. Hays, from the Committee on Appropriations, to whom was recommitted a bill, entitled

An act for the benefit of Monroe county,

Reported the same without amendment.

On motion of Mr. Peterman,

Ordered, That said bill be placed in the orders of the day.

Mr. A. S. Berry moved the following resolution, viz :

Resolved, That the Auditor report to this body the amount of money expended for the Geological Survey under Profs. Shaler and Procter since its organization.

By unanimous consent, the rules were suspended, and said resolution was taken up, twice read, and adopted.

Mr. Hendrick read and laid on the table the following joint resolution, viz :

WHEREAS, The present General Assembly has, by resolution, ordered an investigation of the official conduct of the Judge of the Rowan Circuit Court, and the feuds, lawlessness, etc., in said county ; therefore,

1. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That the joint committee heretofore appointed be authorized and empowered to employ a stenographer to attend the committee in its investigation, and report and transcribe all evidence which may be taken by said committee, and report the same at his earliest convenience to this General Assembly ; and he is allowed the same fees for said services as he is now paid by law for similar services rendered in the courts of this Commonwealth.

2. That the chairman, or any member of the aforesaid committee, is hereby authorized and empowered to administer oaths

to any and all such witnesses as may be called to testify before them.

3. This resolution shall take effect from and after its passage.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Clay, from the Committee on Charitable Institutions, to whom was referred a resolution from the House of Representatives, entitled

Resolution providing for joint committee to visit and investigate the Institution for Deaf Mutes,

Reported the same without amendment.

And the question being taken on concurring in the adoption of said resolution, it was decided in the affirmative.

Mr. Hays, from the Committee on Banks and Insurance, to whom was referred leave to bring in a bill, entitled

A bill to regulate the loaning of money by banks and corporations,

Asked to be discharged from the further consideration of said leave.

Which was granted.

Mr. Kemp, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz :

An act to create the office of Treasurer in Ballard county, and to regulate the fiscal affairs of said county ;

An act authorizing the Board of Supervisors of Mercer county to extend its sessions ;

An act for the benefit of the town of Fairview, Todd county, Kentucky ;

An act to give the Board of Supervisors of Harrison county further time to complete their labors ;

An act to authorize the collector of the Russellville district turnpike tax to appoint a deputy ;

An act for the benefit of common school district No. 23, in Breckinridge county ;

An act to amend the title of an act, entitled "An act to incorporate the Murphysville Turnpike Road Company, of Marion county," approved May 15, 1886 ;

The Senate took up for consideration a bill, entitled
A bill to incorporate the Bank of Trenton.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Huff—

1. A bill, entitled “An act to prohibit the sale and use of spirituous, vinous and malt liquors in the county of Rowan.”

On motion of Mr. Wallace—

2. A bill to punish persons for selling spirituous, vinous or malt liquors on sleeping and parlor cars being run within this State.

On motion of Mr. Goebel—

3. A bill to amend chapter 28 of the General Statutes, so that judges shall not be required not to act in cases upon the filing of an affidavit that a fair or impartial trial will not be granted.

On motion of Mr. Kemp—

4. A bill to authorize T. L. Atwood, County Surveyor of Hickman county, to act as Deputy County Court Clerk of said county.

On motion of Mr. Worthington—

5. A bill, entitled “An act to amend section 6 of article 1 of chapter 60 of the General Statutes.”

On motion of Mr. Wallace—

6. A bill to charter the Chattarawha Pipe Line and Transportation Company.

On motion of Mr. Gilbert—

7. A bill, entitled “An act to further amend an act to incorporate the Cumberland and Ohio Railroad Company,” approved February 24, 1869.

Ordered, That the Committee on Religion and Morals prepare and bring in the 1st; the Committee on General Statutes the 2d, 3d, 4th, 5th and 6th; and the Committee on Railroads the 7th.

Bills of the following titles were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Pieratt, from the Committee on Railroads—

A bill for the benefit of the Louisville and Nashville Railroad.

Leave was granted to bring in the following bills, viz :

On motion of Mr. Rigney—

1. A bill to incorporate the Vandalia Construction and Development Company.

On motion of Mr. Stewart—

2. A bill giving John W. Combs, late Sheriff of Perry county, further time to collect his uncollected taxes and fee bills.

On motion of same—

3. A bill, entitled "An act for the benefit of P. A. Cline, of Pike county."

On motion of Mr. Huff—

4. A bill, entitled "An act to repeal the original charter and amendments thereto, and to make a new charter for the town of Morehead, in Rowan county."

On motion of Mr. Wright—

5. A bill to define and establish the dividing line between Grayson and Edmonson counties from a point on Nolin river, one hundred yards below the boat yard, which is near and below the mouth of Conoloway creek, to the Butler county line.

On motion of Mr. McKee—

6. A bill to amend common school laws of Kentucky, so far as Anderson county is concerned.

On motion of Mr. Hays—

7. A bill to amend the charter of the Central Passenger Railway Company.

Ordered, That the Committee on Propositions and Grievances prepare and bring in the 2d, 4th and 5th ; the Committee on Banks and Insurance the 1st and 7th ; the Committee on Appropriations the 3d, and the Committee on Education the 6th.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they were referred, viz :

By Mr. McKee, from the Committee on Library and Public Buildings and Offices—

An act respecting vagrants in the city of Louisville.

By Mr. Dickerson, from the Committee on Courts of Justice—

An act to amend an act and the amendments thereto, author-

Those who voted in the negative, were—

M. C. Alford,	H. T. Kendall,	B. F. Reynolds,
W. W. Dickerson,	John McCann,	D. H. Smith,
R. G. Hays,	W. F. Neat,	G. Terry,
J. K. Hendrick,	J. J. Paul,	D. W. Wright—14.
John R. Kemp,	A. L. Peterman,	

Mr. Triplett moved to reconsider the vote by which the Senate had refused to grant leave to the House of Representatives to withdraw said resolution.

Which motion was simply entered

Mr. Hendrick, from the Special Joint Committee, appointed to investigate certain charges against the Circuit Judge of the Fourteenth Judicial District and lawlessness in Rowan county, laid before the Senate two reports, together with the testimony given before said committee.

Said reports read as follows, viz :

MAJORITY REPORT.

To the General Assembly of the Commonwealth of Kentucky :

Your Committee, appointed and acting under the following resolution, viz. :

“WHEREAS, There are charges of official misconduct against the Circuit Judge of the Fourteenth Judicial District being circulated, and which have received notice in the Governor’s Message to us; and whereas, it is due both to the Commonwealth and to the party charged that such charges should be investigated; therefore, be it

“1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That a committee of eight be appointed, three from the Senate and five from the House, to investigate said charges. Said Committee shall be appointed by the Speakers of the respective Houses, and shall have power to hold their sessions in Frankfort or in Morehead, or in any other place within this Commonwealth they may determine to be best for a full sifting of the facts. They are given full power to send for persons and papers, all of which papers they shall return to this General Assembly when they make their report, and

they shall also return, with their report, all of the evidence taken by them, whether documentary or otherwise; and it shall be the further duty of said Committee to investigate, as far as practicable, the feuds, riots and lawlessness in Rowan county, and the causes thereof; and said Committee shall have power, in its discretion, to investigate said matters separate from or in connection with the charges against the Judge of the Rowan Circuit Court; but in reporting to this General Assembly, it shall be the duty of said Committee to report separately on said charges against the Judge of said court and the other matters directed to be investigated under this resolution, and said Committee shall report fully and in writing what action should be taken by this General Assembly in reference to the matters hereby directed to be investigated"—

Respectfully report, that, in pursuance of the above resolution, they visited Morehead, in Rowan county, on the 8th day of February, 1888, accompanied by a stenographic reporter, the employment of whom was authorized by a resolution of this General Assembly, after first having notified Judge A. E. Cole of the time and place of the meeting of the Committee, and proceeded to take the testimony of numerous witnesses, each witness being first duly sworn, and then thoroughly examined by the Committee, and cross-examined by the attorneys representing Judge Cole. The Committee, while at Morehead, thus took the testimony of fifteen witnesses, represented to the Committee as being among the most reputable citizens of the county. The records and papers of the Circuit Court Clerk's office were also thoroughly and minutely examined, after which your Committee adjourned to meet in the city of Frankfort on the 14th day of February, 1888, at which time and place the Committee met, and in the same manner took the testimony of thirty-three other witnesses, making in the aggregate forty-eight witnesses examined by the Committee. The testimony of these witnesses, when reduced to print, is very voluminous, covering, as it does, some eight hundred pages of legal cap paper, besides a vast amount of exhibits and documentary evidence, making it impracticable for your Committee to give an extended synopsis of it.

Your Committee find, from the evidence, that the feuds and

lawlessness in Rowan county commenced in August, 1884, and grew out of the election of W. Cooke Humphrey as Sheriff of the county. On the day of the August election one Solomon Bradley was killed in a street fight, and a dispute arose as to whether Floyd Tolliver or John Martin did the killing. Said Bradley was a Republican and a friend and partisan of said Humphrey; and from the date of that killing, and for some months afterwards, the feuds partook of a political nature, Cooke Humphrey and his followers representing a Republican faction, and Craig Tolliver and his followers a Democratic faction.

On December 2d, 1884, Floyd Tolliver was killed in a bar-room difficulty by John Martin, Martin at the time being a member of the Humphrey faction.

On December 10th following, John Martin was assassinated at Farmer, in Rowan county, while in charge of the officers of the law, under a forged order to bring him from the Winchester jail, in Clark county, to Morehead, to stand his examining trial.

From that time forward open murders and secret assassinations followed in quick succession until June 22d, 1887, when the principal leaders of one faction of the marauders and murderers were killed in an attempt to arrest them.

From August, 1884, to June 22d, 1887, there were twenty murders and assassinations in the county, and sixteen persons wounded who did not die, and all this in a county whose voting population did not, at any time, exceed eleven hundred; and during this period there was not a single conviction for murder, manslaughter or wounding, except for the killing of one Hughes, who was not identified with either faction.

In addition to felonies, we find that a great number of the most odious misdemeanors were committed, such as carrying concealed deadly weapons, selling spirituous, vinous and malt liquors without license, selling the same to minors, disturbing religious worship, breaches of the peace, etc. The Circuit Court docket showed that a great many persons were never arrested for the offenses charged against them; that in a great majority of cases, where arrests were made, either worthless bonds were taken or the parties were cleared by the petit jury. It appeared

from the record that there were some cases, even when a conviction was had, that the parties escaped the penalties of the law. Many of the cases of conviction appeared to have been obtained by reason of the absence of the defendant, leaving the impression upon the minds of the committee that any effort to defeat the law seemed generally successful. It appeared from the record that there is now due the Commonwealth on straw bonds many thousand dollars that will never be collected.

According to the proof, the petit jurors were a fair average of the men of probity and integrity in Rowan county, and the failure to convict seemed to be either that the people, from long accustomed association with deeds of violence or crime, or from a want of appreciation of law and order, or from intimidation and fear, were unduly tolerant of crime.

We find that, although some indictments were found against parties guilty of felonies and misdemeanors, there were several instances in which the most cruel and cowardly murders were committed, and no indictments were found by any Grand Jury of Rowan county, although it was generally known or suspected by the entire community who the parties were that committed the murders. The Grand Juries in Rowan county since August, 1884, in several instances, not only failed to discharge their duty in investigating and ferreting out the parties who were guilty of the most horrible crimes, when it was generally known and suspected who had committed those crimes, but used their functions to instigate and set on foot prosecutions founded upon the most worthless evidence, and in several instances failed to indict officers of the law when the knowledge was brought home to them of crimes and misdemeanors committed by said officers. According to the proof, the Grand Jury, like the petit jury, was a fair average of the men of probity and integrity in Rowan county.

Your committee find that the county officials were not only wholly inefficient, but most of them in the warmest sympathy with crime and criminals; in some instances not only suppressing the knowledge of murder, but giving support so far as to rescue criminals from the custody of the law, being totally oblivious of their duty to the Commonwealth, and seeking notoriety of censure and adverse criticism rather than shrinking from it.

Law and order can not and will not be maintained in Rowan county with the present county officials, nor did we find while at Morehead a healthy public sentiment to uphold and sustain the enforcement of the law. Whilst your committee was at Morehead parties were openly engaged in selling whisky in one of the most public places of the town without license, and had been doing so since June, 1887; and this known, too, by the officers of the law, and no effort made by any one to suppress it.

Fortunately for the Commonwealth, some of the murderers of Rowan county, who have brought so much disgrace upon the Commonwealth, were dispatched on the 22d day of June, 1887; but there yet remains in Rowan and adjoining counties some of the parties who have been participating in the murders in Rowan county, and the prevalent opinion of men thoroughly conversant with the previous lawlessness and bloody history of Rowan county is, that as soon as this Generally Assembly adjourns, again will begin the bloody scenes of violence, murder and assassination which have since August, 1884, marked and blackened the history of Rowan county.

In regard to the causes of the troubles in Rowan county, your committee find—

First. That the county officials, excepting a very few, are not only inefficient, but are totally corrupt and depraved.

Second. The want of a healthy moral public sentiment.

Third. That the portion of the community which seems attached to law and order, has so long been domineered over by the criminal element and corrupt officers, that they are incapable of rendering any valuable assistance in maintaining the law save a few exceptions, and these few so greatly in the minority in the class desiring law and order, that a reformation can not be hoped for if left to their own resources.

Fourth. That during all the social chaos since August, 1884, spirituous liquors have been sold, with and without license, in nearly every part of the county, adding fury and fire and venom to the minds and hearts of murderers, and dragging into the terrible vortex of drunkenness and crime and murder even those who were not originally in the feuds; the proof showing that crimes and murders were committed in the various precincts in proportion to the number of places where whisky was

sold. The evidence of many of the most prominent and intelligent men of Rowan county was, that the only cure for all the evils that have afflicted Rowan county and disgraced the Commonwealth is the abolition of the county and remanding it back to the counties from which it was erected ; and this, in the opinion of your committee, is the only intelligent solution of the difficulty ; and we therefore recommend the repeal of the act by which the county was erected, and that the respective portions of the territory be given to the counties from which they were taken ; and we herewith file the evidence upon which the opinion is based.

Reporting separately as to the charges against Judge Cole, we can not say from the testimony that he has been guilty of corruption in office, nor has he been guilty of official misconduct in a legal or criminal sense ; but your committee are constrained to say, however, that Judge Cole unwittingly allowed himself in some measure to be influenced by partisans of one faction, and allowed officers of his court, without apparent censure from him, to remain in discharge of their official duties after misconduct upon the part of said officials of a highly criminal character which the court knew, or by the exercise of reasonable diligence might have known, had been committed by said officials, and ought to have brought down the severest condemnation of the Judge in his charge to the Grand Jury and otherwise ; but, so far as the proof shows, received no official notice or attention from the court. And his social relations with these parties continued to be apparently friendly and cordial.

But while we feel forced under the proof to say these things, we do not believe from the testimony that any Judge in the Commonwealth could have enforced the law in that county, and we believe, moreover, that the criticism to which he has subjected himself is due more to his kindness of heart and his unsuspecting devotion to his personal and political friends, than from any disposition to side with either faction, or to shield the criminals that were around him.

The proof shows that in every other county in his district his private character, as well as his official conduct, are above reproach. The lawyers and other citizens of his circuit, so far

as examined, universally testify both to his high character as a citizen and his unblemished conduct and character as a Judge.

JOHN K. HENDRICK,

Chairman Joint Committee.

W. M. REED,

Chairman House Committee.

G. G. GILBERT,

D. W. WRIGHT,

JOHN P. NEWMAN,

CHAS. BLANFORD,

ARTHUR M. WALLACE.

MINORITY REPORT.

To the General Assembly of the Commonwealth of Kentucky:

While concurring in the report concerning Rowan county signed by the majority of your Committee, I am forced to disagree as to the charges of official misconduct against the Judge of the Fourteenth Judicial District.

The resolution under which your committee acted directed an investigation of definite and positive charges. In prosecuting our inquiries, the testimony will show that every legal rule of evidence was disregarded in order that the Committee might have the widest possible information as a basis for their conclusions. With this great mass of nearly one thousand pages of testimony, certainly Judge Cole is proven guilty or not guilty. It is not enough to say that he has not been guilty of official misconduct in a legal sense, or that no Judge in the Commonwealth could have enforced the law in Rowan county, and then shadow a vindication by statements that, if true, prove the charge we were appointed to investigate.

I call your attention to the report of this Committee respecting Rowan county, and submit that, if it is true, the conduct of Judge Cole, unimpeached by a word of testimony, deserves our heartiest praise instead of censure.

In my judgment, the testimony is conclusive that the official conduct of Judge Cole has been impartial and above reproach.

CLAUDE THOMAS.

[*For Testimony—See Legislative Document No. 3.*]

Mr. Hays moved that 500 copies of said reports and the accompanying testimony be printed, and that 25 copies thereof be filed in the State Library, and remaining copies be spread upon the desks of the members.

Pending the consideration of said motion, the hour of 11 o'clock, A. M., having arrived, the Speaker announced the special order of the day.

Mr. Hendrick moved that the consideration of the special order of the day be postponed until the matter under consideration should be disposed of.

And the question being taken thereon, it was decided in the affirmative.

Mr. Alford moved that the reports of said committee be printed.

And the question being taken thereon, it was decided in the negative.

Mr. Dickerson proposed to amend the motion of Mr. Hays, by providing that a copy of said reports and accompanying testimony be filed in each of the offices of the Circuit Court Clerks in the Fourteenth District.

And the question being taken thereon, it was decided in the affirmative.

Mr. Darby moved that 800 copies of said reports and accompanying testimony be printed.

And the question being taken thereon, it was decided in the negative.

Pending the further consideration of said motion, the hour of 12 o'clock, M., having arrived, the Speaker announced the orders of the day.

Mr. Hays moved that the orders of the day be postponed for the day.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the motion of Mr. Hays, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peterman and Terry, were as follows, viz :

Those who voted in the affirmative, were—

W. F. Berry,	J. K. Hendrick,	W. F. Neat,
C. M. Clay, Jr.,	Louis Jones,	J. J. Paul,
W. M. Cravens,	John R. Kemp,	R. M. Pieratt,
F. W. Darby,	H. T. Kendall,	B. F. Reynolds,
W. W. Dickerson,	Sam. T. Leavy,	F. D. Rigney,
T. L. Glenn,	J. H. Lunsford,	D. H. Smith,
William Goebel,	John McCann,	R. S. Triplett,
Thos. S. Grundy,	J. H. McDanell,	E. L. Worthington,
John D. Harris,	L. W. McKee,	D. W. Wright—28.
R. G. Hays,		

Those who voted in the negative, were—

M. C. Alford,	A. H. Stewart,	G. Terry—4.
A. L. Peterman,		

The rules were suspended, and Mr. Wright read and laid on the table the following joint resolution, viz :

1. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of G. W. Castle, the Sergeant-at-Arms of the Senate, for the sum of twelve hundred and fifty-three dollars and seventy cents, the amount of expenses incurred by the Joint Committee of the Senate and House of Representatives in investigating the condition of affairs in Rowan county, and the official conduct of Hon. A. E. Cole, Judge of the Fourteenth Judicial District. The said Treasurer is directed to pay to the same, out of any money not otherwise appropriated, and the said Sergeant-at-Arms is directed to disburse the same to the numerous claimants.

2. That this resolution take effect from and after its passage.

The rule of the Senate requiring a joint resolution to lie over one day being dispensed with, the question was then taken on the adoption of said resolution, and it decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

M. C. Alford,	Louis Jones,	A. L. Peterman,
W. F. Berry,	John R. Kemp,	R. M. Pieratt,

C. M. Clay, Jr.,	H. T. Kendall,	B. F. Reynolds,
W. M. Cravens,	Sam. T. Leavy,	F. D. Rigney,
F. W. Darby,	J. H. Lunsford,	D. H. Smith,
T. L. Glenn,	John McCann,	A. H. Stewart,
Thos. S. Grundy,	J. H. McDanell,	G. Terry,
John D. Harris,	L. W. McKee,	R. S. Triplett,
R. G. Hays,	W. F. Neat,	E. L. Worthington,
J. K. Hendrick,	J. J. Paul,	D. W. Wright—30.

In the negative—none.

Mr. Kemp moved that the rules be suspended, and that the Senate take up for consideration the motion heretofore entered by him to reconsider the vote by which the Senate had refused to grant leave to the House of Representatives to withdraw a resolution, which originated in the House of Representatives, entitled

Resolution further extending the session of the General Assembly.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Smith and Peterman, were as follows, viz :

Those who voted in the affirmative, were—

M. C. Alford,	R. G. Hays,	John McCann,
W. F. Berry,	Louis Jones,	J. H. McDanell,
C. M. Clay, Jr.,	John R. Kemp,	L. W. McKee,
W. M. Cravens,	H. T. Kendall,	R. M. Pieratt,
T. L. Glenn,	Sam. T. Leavy,	E. L. Worthington,
William Goebel,	J. H. Lunsford,	A. H. Stewart—19.
John D. Harris,		

Those who voted in the negative, were—

F. W. Darby,	J. J. Paul,	D. H. Smith,
W. W. Dickerson,	A. L. Peterman,	R. S. Triplett,
Thos. S. Grundy,	B. F. Reynolds,	G. Terry,
J. K. Hendrick,	F. D. Rigney,	D. W. Wright—13.
W. F. Neat,		

Mr. Dickerson moved that the rules be suspended, and that said resolution be taken up for consideration.

And the question being taken thereon, it was decided in the negative.

PROPOSED ACTS.

AN ACT for the benefit of the Western Lunatic Asylum of Kentucky.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any surplus of the support fund heretofore allowed by law to said Asylum, which may be on hand at the time of the passage of this act, may be used by the Board of Commissioners of said Asylum in repairing and increasing the facilities for supplying water to said institution.

§ 2. This act shall take effect from its passage.

AN ACT to amend the law in regard to Lunatic Asylums in this Commonwealth.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Superintendents of the several lunatic asylums in this Commonwealth shall have the right and authority to permit the families or friends of patients, whose condition of mind and health is such as in the opinion of such Superintendent may be taken care of and treated properly outside of an asylum, to be taken from the asylum, either permanently or for such length of time as the Superintendent may deem prudent.

§ 2. This act shall take effect from its passage.

Mr. Cravens moved the following resolution, viz :

WHEREAS, The committee appointed to investigate the affairs of Rowan county have discharged that duty, and we find from their report that Judge A. E. Cole has honestly endeavored to discharge his duty, and is clear of blame as Judge ; now, therefore, be it

Resolved, That the matter be re-referred to said committee to investigate and report as to the action of the military while at Morehead. If the orders of the Circuit Judge were discharged, by what officer, and by what authority, and that they report on all matters relating to the action of said military.

Mr. Smith moved to amend said resolution by striking from the preamble the words, "and we find from their report that Judge A. E. Cole has honestly endeavored to discharge his duty and is clear of blame as Judge."

Mr. Neat moved to lay said resolution and the proposed amendment thereto on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cravens and Wallace, were as follows, viz :

Those who voted in the affirmative, were—

M. C. Alford,	William Goebel,	L. W. McKee,
A. S. Berry,	John R. Kemp,	W. F. Neat,
C. M. Clay, Jr.,	Sam. T. Leavy,	F. D. Rigney—10.
W. W. Dickerson,		

25. An act to remove and take out three mill-dams in Station Camp creek, in Estill county, Kentucky.

26. An act to amend an act, entitled "An act to incorporate the town of Petersburg, in Boone county."

27. An act to amend an act, entitled "An act to provide for appointing and electing Commissioners for the Court of Boone, and defining their duties, and the duties of other county officers whose duties are connected with the duties of said Commissioners," approved May 15, 1886.

28. An act to allow the legal voters of Johnson county to vote on the question of the repeal of an act, entitled "An act to create the office of Road Commissioner in Johnson county, and to provide for the appointment of the same," approved April 24, 1884.

29. An act to amend an act, entitled "An act to establish a road law for Lawrence county," approved April 17, 1884.

30. An act to amend an act, entitled "An act to incorporate the Union Insurance Company, of Louisville."

31. An act to incorporate the Bond's Mill and Ferry Turnpike Road Company.

32. An act to amend an act, entitled "An act to repeal the original charter and amendments thereto, and to make a new charter for the town of Morehead, in Rowan county," approved April 10, 1888.

33. An act to incorporate the Mill Creek and Choctaw Turnpike Road Company, in Mason county.

34. An act for the better protection of food-fish in Green river.

35. An act to provide an additional salary for the Commonwealth's Attorney of the Tenth Judicial District.

36. An act to amend an act to amend the Fayette Building and Loan Association.

37. An act to amend an act, entitled "An act to incorporate and establish a system of public schools in the town of Russellville, and within a radius of three miles of the court-house in said town," approved April 9, 1886.

38. An act for the benefit of Joseph Bode, of Mason county, Kentucky.

Mr. Dickerson moved to reconsider the vote by which the Senate had passed said bill.

And the question being taken thereon, it was decided in the affirmative.

The third reading of said bill, as also the vote ordering it to a third reading, were then reconsidered.

A message was received from the House of Representatives, asking the appointment of a committee on the part of the Senate, to act in conjunction with a similar committee from the House of Representatives, to ask the withdrawal, unsigned, from the hands of the Governor of a bill, which originated in the House of Representatives, entitled

An act for the benefit of I. C. Montfort.

Which was granted.

Whereupon, the Speaker appointed Mr. Leavy such committee.

After a short time, Mr. Leavy reported that the committee had performed that duty, and said bill was handed in at the Clerk's desk.

By unanimous consent, Mr. Rigney withdrew the motion heretofore entered by him to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to amend, digest and reduce into one all the acts and laws in relation to the town of Barbourville, in Knox county.

Which was granted, and the bill delivered to the messenger.

Mr. Terry, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of Alex. G. Morgan, of Fayette county.

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz :

WHEREAS, A prisoner, one A. B. Bowling, of Rowan county, was sent to the jail of Fayette county, at Lexington, for safe-keeping, in March, 1885 ; and whereas, the jailer of Fayette county was notified that a mob would probably attempt to take said prisoner from said jail on the night of March 26, 1885 ; and whereas, said jailer called on the Sheriff of Fayette county to protect said jail ; and whereas, said Sheriff summoned Alex G. Morgan and others to serve as a posse in the defense of said jail ; and whereas, said Alex. G. Mor-

gan, while serving on said posse, under compulsion of said summons, was shot and seriously wounded, without any fault on his part, and was by reason of said wound put to very great expense, besides great and long suffering and loss of time, and is now permanently and almost totally disabled and crippled in his left arm; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor of this Commonwealth be, and he is hereby, authorized and empowered to investigate all the facts of said wounding, and the amount of medical and other expenses incurred by said Morgan by reason of the same, and to fix upon such a sum as, in his judgment, from such investigation, was incurred and expended.

§ 2. That, upon the written certificate of the Governor, fixing said amount, being presented to the Auditor, he shall draw his warrant on the Treasurer for the amount so named in favor of said Alex. G. Morgan, and the Treasurer shall pay the said sum to the person so named out of any moneys in his hands not otherwise appropriated.

§ 3. This act shall take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance to a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

M. C. Alford,	John R. Kemp,	B. F. Reynolds,
C. M. Clay, Jr.,	H. T. Kendall,	F. D. Rigney,
W. M. Cravens,	Sam. T. Leavy,	G. Terry,
Sam. E. English,	L. W. McKee,	R. S. Triplett,
G. G. Gilbert,	W. F. Neat,	F. T. D. Wallace,
T. L. Glenn,	J. J. Paul,	E. L. Worthington,
William Goebel,	A. L. Peterman,	D. W. Wright—22.
J. P. Huff,		

Those who voted in the negative, were—

W. F. Berry, F. W. Darby, John D. Harris—3.

Resolved, That the title of said bill be as aforesaid.

Mr. Wallace, from the Committee on Finance, to whom was referred leave to bring in a bill, entitled

A bill for the benefit of W. C. Holcomb, late Sheriff of Carter county,

Reported the same, with the expression of opinion that said bill ought to pass.

Which bill was read the first time and ordered to be read a second time.

tion, and a quorum of the Senate not voting thereon, said resolution fell into the orders of the day.

The yeas and nays being required thereon, in pursuance to a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative, were—

A. S. Berry,	R. G. Hays,	J. J. Paul,
C. M. Clay, Jr.,	J. K. Hendrick,	R. S. Triplett,
W. M. Cravens,	H. T. Kendall,	F. T. D. Wallace,
T. L. Glenn,	Sam. T. Leavy,	D. W. Wright—13.
John D. Harris,		

Those who voted in the negative, were—

A. R. Byers,	J. P. Huff,	W. F. Neat,
Sam. E. English,	John R. Kemp,	F. D. Rigney,
G. G. Gilbert,	L. W. McKee,	G. Terry—9.

Mr. Wright read and laid on the table the following joint resolution, viz :

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the members of the Joint Committee to investigate the Rowan county troubles and the Sergeant-at-Arms of the Senate be, and they are, allowed an extra compensation of \$40 each for services rendered on that committee, and the Auditor is hereby authorized to draw his warrant upon the Treasurer in favor of each of said members for said sum out of any money in the Treasury not otherwise appropriated.

2. This resolution to take effect from its adoption.

The rule of the Senate requiring a joint resolution to lie over one day being dispensed with, said resolution was taken up, twice read and adopted.

Mr. A. S. Berry read and laid on the table the following joint resolution, viz :

WHEREAS, The absence of Jas. W. Tate, former Treasurer of State, makes it difficult to arrive at conclusions in regard to his defalcation, and his presence would be invaluable to the State's welfare; and whereas, the fear of prosecution prevents his return; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to pardon said Tate, that he may return to the State, to furnish such information as he may be in possession of in elucidation of his assets as Treasurer.

The rule of the Senate requiring a joint resolution to lie over